



Docket No.: 13477-00002-US
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Edwin Andries Gerard Van Der Vossen et al.

Conf. No.: Not yet assigned

Application No.: 10/567,980

Group Art Unit: Not yet assigned

Filed: February 10, 2006

Examiner: Not Yet Assigned

For: FUNGUS RESISTANT PLANTS AND THEIR
USES

INFORMATION DISCLOSURE STATEMENT (IDS)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 CFR 1.56, 1.97 and 1.98, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO/SB/08. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

This Information Disclosure Statement is filed before the mailing date of a first Office Action on the merits as far as is known to the undersigned (37 CFR 1.97(b)(3)).

The documents listed on the attached SB/08 are the documents cited in the International Search Report during the prosecution of international application no. PCT/EP2004/008683, which corresponds to the above referenced application. In accordance with 37 CFR 1.97(b)(3), Applicants hereby submit these documents for the Examiner's consideration. A copy of each document required under 37 CFR 1.98(a)(2) is enclosed.


In accordance with 37 CFR 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made or that no other material information as defined in 37 CFR 1.56(a) exists. In accordance with 37 CFR 1.97(h), the filing of this Information Disclosure statement shall not be construed to be an admission that any patent,

publication or other information referred to therein is "prior art" for this invention unless specifically designated as such. Moreover, Applicants understand the Examiner will make an independent evaluation of the cited documents.

It is submitted that the Information Disclosure Statement is in compliance with 37 CFR 1.98 and the Examiner is respectfully requested to consider the listed references.

Applicants believe no fee is due with this response. However, if a fee is due, the Director is hereby authorized to charge any deficiency in the fees filed, asserted to be filed or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 03-2775, under Order No. 13477-00002-US from which the undersigned is authorized to draw.

Respectfully submitted,

By 

Roberte M. D. Makowski, Ph.D.

Registration No.: 55,421

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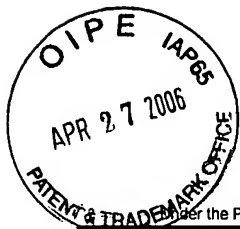
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PTO/SB/08a/b (07-05)
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| | | | | Application Number | 10/567980 |
| | | | | Filing Date | February 10, 2006 |
| | | | | First Named Inventor | Edwin Andries Gerard Van Der Vossen |
| | | | | Art Unit | N/A |
| | | | | Examiner Name | Not Yet Assigned |
| Sheet | 1 | of | 1 | Attorney Docket Number | 13477-00002-US |

| U.S. PATENT DOCUMENTS | | | | | |
|-----------------------|--------------------------|--|--------------------------------|--|---|
| Examiner Initials* | Cite No. ¹ | Document Number | Publication Date MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
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| | | Country Code ³ -Number ⁴ -Kind Code ⁵ (if known) | | | | |
| | BA | EP-1334979-A1 | 08-13-2003 | KWEEK-EN RESEARCHBEDRIJF AGRICO B.V. | | |
| | BB | WO-98/06750-A2 | 02-19-1998 | KEYGENE N.V. | | |

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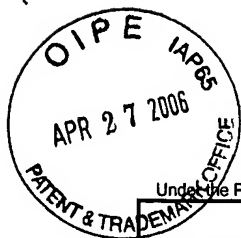
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| | CA | ROSSI, M., ET AL., "The nematode resistance gene <i>Mi</i> of tomato confers resistance against the potato aphid", Proc. Natl. Acad. Sci. USA (1998), Vol. 95, pp. 9750-9754. | | | |
| | CB | ROSSI, M., ET AL., "Lycopersicon esculentum disease resistance gene homolog Mi-copy2 gene, complete cds.", Aug. 19, 1998, Accession No. U81378. | | | |
| | CC | MILLIGAN, S. B., ET AL., "The Root Knot Nematode Resistance Gene <i>Mi</i> from Tomato Is a Member of the Leucine Zipper, Nucleotide Binding, Leucine-Rich Repeat Family of Plant Genes", The Plant Cell (1998), The Plant Cell, Vol. 10, pp. 1307-1319. | | | |
| | CD | ZAITSEV, V.S., ET AL., "Solanum nigrum NBS-LRR pseudogene, partial sequence", Nov. 13, 2001, Accession No. AY055116. | | | |
| | CE | SONG, J., ET AL., "Gene <i>RB</i> cloned from <i>Solanum bulbocastanum</i> confers broad spectrum resistance to potato late blight", PNAS (2003), Vol. 100, No. 16, pp. 9128-9133. | | | |
| | CF | BRADEEN, J.M., ET AL., "Concomitant reiterative BAC walking and fine genetic mapping enable physical map development for the broad-spectrum late blight resistance region, <i>RB</i> ", Mol. Gen. Genomics (2003), Vol. 269, pp. 603-611. | | | |
| | CG | VAN DER VOSSEN, E., ET AL., "An ancient <i>R</i> gene from the wild potato species <i>Solanum bulbocastanum</i> confers broad-spectrum resistance to <i>Phytophthora infestans</i> in cultivated potato and tomato", The Plant Journal (2003), Vol. 36, pp. 867-882. | | | |

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Application No.: 10/567980

Attorney Docket No.: 13477-00002-US

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